

August 9, 2006

VIA E-MAIL AND FIRST CLASS MAIL

Caroline O'Brien Bulger, Esq., Hearing Officer
Department of Telecommunications & Energy
One South Station, 2nd Floor
Boston, MA 02110

Re: Baystate Gas Company, Case No. 06-31

Dear Hearing Officer Bulger:

I am writing this letter on behalf of my clients, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union ("USW" or "Union"), in opposition to the schedule proposed by Bay State Gas Company ("BSG" or "Company") on this same date.

The Union opposes the discovery deadline proposed by BSG, August 7, 2006, for several reasons:

- 1) The Company's proposed deadline pre-dates any order by the Department with regard to the closure of discovery, and thus, would close discovery without any prior notice to intervenors, unfairly prejudicing the intervenors. As evidence for this proposition, the Union submits that prior to receiving the Company's August 9 letter, the Union was preparing a third set of information requests, which it filed with DTE today, August 9, 2006.
- 2) Although discovery has been on-going since June 2006, the Company has failed to provide responsive answers to many of the Union's requests or to resolve discovery disputes in a timely fashion.
 - a. The Company has not responded at all to at least five requests in the Union's first set of requests, filed with DTE on June 16, 2006.

- b. Moreover, the Company has responded to another five of the Union's first set of requests by stating that it intends to provide information, but that the information will only be made accessible once the Union and its agents sign confidentiality agreements. The Company has yet to provide the Union with a finalized confidentiality agreement for its signature, much less the information it initially requested on June 16.
- c. Additionally, the Company has objected to, or provided non-responsive answers, to nine of the Union's first set of information requests. However, despite the Union's repeated request for a discovery conference to resolve discovery disputes, the Company has yet to contact the Union regarding the same.

For these reasons, the Union has been unable to review many of the Company's responses to its first set of information requests and to perform effective follow-up discovery. Thus, the deadline proposed by the Company should be rejected, and the Union, as well as the other intervenors, should be accorded reasonable time to complete the discovery. For this purpose, the Union proposes September 1 as a deadline for the close of intervenor discovery.

Additionally, the Union opposes the dates proposed by the Company for hearing (September 18-21). First, the Union intends to sponsor testimony and will not be able to prepare witnesses in the time remaining due to the above-mentioned outstanding discovery issues. Second, the Union is unavailable for hearing, due to pre-scheduled briefing schedules, hearings, arbitrations, administrative conferences, and the Jewish High Holidays for the last two weeks of September and the first two weeks of October. The Union is available the week of October 16, excepting Wednesday, October 18, and the week of October 22, excepting Wednesday, October 25, for hearing on this matter.

Very truly yours,

Nicole Horberg Decter

Cc: Service List